

**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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<b>Complaint of Fiber Technologies</b>	)	<b>D.T.E. 01-70</b>
<b>Networks, LLC</b>	)	
_____	)	

**JOINT MOTION**  
**TO TEMPORARILY SUSPEND PROCEDURAL SCHEDULE**

Pursuant to 220 C.M.R. 1.04(5), the complainant Fiber Technologies Networks, LLC (“Fibertech”) and the respondent Shrewsbury’s Electric Light Plant (“SELP”) (hereinafter “the parties”) hereby jointly move that the Department of Telecommunications and Energy (“Department” or “DTE”) temporarily suspend the current procedural schedule in the above-captioned matter to permit the parties to pursue settlement of this dispute. In support of their joint motion the parties submit that: settlement of this matter is in the public interest; and a temporary suspension of the procedural schedule serves the interests of administrative economy and efficiency. This short-term suspension will allow the parties to shift toward settlement discussions resources otherwise required for discovery and hearing, and may allow the Department to conserve the resources that otherwise will be needed to resolve pending discovery issues and conduct hearings.

Specifically, the parties seek temporary suspension of the procedural schedule established by a Hearing Officer Ruling dated October 26, 2001 because they are actively pursuing settlement of Fibertech’s complaint against SELP. The parties seek suspension of all current dates in the procedural schedule until Monday, December 10, 2001, at 3 p.m., at which time the parties will report the status of

settlement negotiations to the Department via conference call. During the suspension period, which would start immediately after receipt of a grant by the Department of this joint motion, all due dates under the current procedural schedule (i.e., due dates for discovery responses, dates for filing oppositions to pending discovery motions, hearing officer rulings on pending motions, and the December 4 and December 6, 2001 hearing dates) would be tolled. The parties propose that unless the they report to the Department on or before December 10, 2001, that they have completed a settlement or are close to doing so, the procedural schedule will immediately resume, and time periods remaining prior to the suspension period would resume, subject to a further procedural schedule to be established following the Monday, December 10, 2001 status conference. For example, responses to discovery that as of the date of this motion are due in one (1) business day, would be due one (1) business day after the parties report to the Department that settlement will not occur.

Finally, the parties have agreed that in the event that settlement of the complaint is not reached by the date of the status conference, the parties will waive the time limitation period of 180 days under 220 C.M.R. 45.08 for a decision by the Department to the extent necessary to toll that period by as many days as the suspension of the procedural schedule remains in effect. The parties agree that this is a de minimis deviation from the prescribed period and neither party would be unduly prejudiced by such an extension under the circumstances. Accordingly, the parties request that their joint motion to temporarily suspend the procedural schedule for the purpose of actively pursuing settlement of this dispute be granted by the Department.

Respectfully submitted,

FIBER TECHNOLOGIES NETWORKS, L.L.C.

By its attorneys

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SHREWSBURY'S ELECTRIC  
LIGHT PLANT

By its attorneys,

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